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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/045,048

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Bertrand Marquet

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07/24/2007

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EXAMINER

SHIFERAW, ELENI A

ART UNIT

PAPER NUMBER

2136

MAIL DATE

DELIVERY MODE

07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/045,048

Applicant(s)

MARQUET ET AL.

Examiner

Eleni A. Shiferaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 are pending.

Response to Amendment

2. Applicant's amendments and arguments filed on 05/10/2007 with respect to all amended independent claims have been fully considered but they are not persuasive. Responses to some arguments are disclosed below and also a new rejection has been made in view of amendments filed.

Response to Arguments

Regarding applicant's argument Edwards failure to disclose network management system (NMS), remark page 4 last paragraph and page 5 par. 3, argument is not persuasive because Edwards disclose a web server in fig. 2 element 252 that has a system to manage web server's data, user operators access using MAC (see abstract and col. 5 lines 1-col. 6 lines 37), via a network. Applicant cannot just argue saying his NMS is different from web server system. Applicant must explain how his NMS is different and the difference must be claimed.

Regarding argument Edwards failure to disclose there is no relation between the number of users and the number of compartments, nor is there any association between individual user and compartments, remark page 5 par. 1 & 5, argument is not persuasive because Edwards disclose MAC policy comprising labels that reflect information sensitivity, and maintains those labels for every process and file system object to prevent user operators not cleared for certain levels of classified information from accessing it. Under MAC, user/user operators are assigned clearances to define maximum security label the user/operator can access web server's data (col.

3 lines 51-67). However, the examiner combined another reference to show that assigning each user operators to respective one compartmented operating system for shared data and access control is well known at the time of the invention, based on applicant's explanation in page 4 par. 4.

Regarding argument Edwards failure to disclose wherein the NMS being sharable by a plurality of operators, remark page 5 par. 4, argument is not persuasive because the web server system of Edwards is passing information of the web server, which is shared, to user operators/servers/printers in a controlled and managed manner using MAC policy governing the way data may be accessed (see col. 3 lines 51-col. 4 lines 60). Moreover, In response to applicant's arguments, the recitation "NMS being sharable by a plurality of operators" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Regarding argument references do not disclose an equal number of compartments and operators, remark page 6 par. 1 last line, argument is not persuasive, because it is not claimed. "an equal number of compartments and operators" is different from the cited limitation "a compartmented

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operating system having a number of compartments corresponding to the number of operators ...”.

Regarding argument Edwards failure to disclose a common operation software, remark page 6 par. 2, argument is not persuasive because Edward discloses a web browser 210 that common software to all compartments and/or user operators ... web browser communication with a display server 232, TPI 204, TPO... (see abstract and fig. 2).

Regarding argument Edwards failure to disclose a network element in communication system, remark page 7 par. 4, argument is not persuasive because Edwards disclose a web server and web data in figure 2 that is shared with different user operators as is clear to one ordinary skill in the art. Moreover, In response to applicant's arguments, the recitation “a network element in communication system” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Regarding argument a person skilled in the art would not have been motivated to combine the teachings of Edwards and Schimunek, remark page 8 par. 1, argument is not persuasive. Firstly, sufficient and reasonable motivation to combine is provided. Secondly, the examiner has

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interpreted applicant's operators as user/user operators of fig. 2 elements 222, 230, 224, 226, and 228 through out the office action, and one ordinary skill in the art would have clearly understand which users of Edwards the examiner referring to.

The examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. Therefore, the examiner asserts that the system of the prior art applied do teach or suggest the subject matter as recited in independent claims. Dependent claims are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action dated July 19, 2007. Accordingly, rejections for claims 1-8 are respectfully maintained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al. US 6,490,626 B1 in view of Schimunek, et al. "Slicing the AS/400 with logical partitioning: A how to guide" and Zalewski et al. USPN 6,542,926 B2.

Regarding claim 1, Edwards et al. a network management system (fig. 2 element 252) sharable by a plurality of operators (fig. 2 elements 222, 230, 224, 226, and 228, and col. 4 lines 47-60), comprising:

a compartmented operating system (fig. 2 element 200) having a number of compartments (fig. 2 elements 204, 206, 208 and 216, 202) corresponding to the plurality of operators (fig. 2 elements 222, 230, 224, 226, and 228) and each compartment having access control (col. 5 lines 1-col. 6 lines 56);

means for assigning the operators to respective compartments (col. 4 lines 47-67); and
common operations software (fig. 2 element 210 and abstract);

whereby each operator accesses the network management system via the access control of the compartment (col. 5 lines 1-col. 6 lines 46).

Edwards et al. discloses each operator accessing the network management system of web server via Mandatory Access Control policy decisions (see col. 5 lines 1-col. 6 lines 46).

Edwards et al. fails to explicitly disclose wherein an operator accessing via access control assigned to that operator. However Schimunek discloses a method of slicing the AS/400 with logical partitioning and user operators accessing data based on operators assigned access control in a portioned system (page 51, 68, 176, and 184).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Schimunek within the system of Edwards et al. because they are analogous in compartmented mode workstation. One would have been motivated to incorporate the teachings of assigning access control to each users operators because it would authenticate each users of each compartments based on assigned access control.

As argued and/explained above the combination of Edwards and Schimunek disclose all the subject matter as claimed. However the combination is not explicitly disclose assigning each user operators to respective one compartmented operating system for shared data and each compartment executing in isolation the operations software for its operator, as applicant disclosed as his invention in the remark page 4 par. 3 and the examiner combines Zalewski et al. that discloses a single multiprocessor computer comprising multiple instances of operating systems (*compartments*) and resources (column 4 lines 42-67 and fig. 1). The multiple physical processors (*compartments*) are each running distinct copy of an operating system (isolated operators running in each compartments) (abstract and col. 6 lines 66-67). Each of the partitioned operating systems (*compartments*) has access to its own physical resources (*operators*) that is assigned to each operating system (col. 29 lines 63-67 and abstract lines 11-14). And privileged application of multiple operators can access resources/memory data based on assigned rights (accessing ... via access control that is assigned to each compartments) and non-privileged application of multiple processors denied access (col. 12 lines 26-38 and fig. 3). The multiple processors run in the single multiprocessor computer (abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention was made to combine Zalewski et al. within the combination system because they are analogous in a compartmented system. One would have been motivated to incorporate the teachings because it is well known at the time of the invention to provide access rights to multiple processors running in a single operating system to access a shared data.

Regarding claim 2, Edwards et al. discloses a network element in a communications system (fig. 2), said network element being sharable by a plurality of operators (fig. 2 elements 222, 230, 224, 226, and 228, and col. 4 lines 47-60) comprising:

a compartmented operating system (fig. 2 element 200) having a number of compartments (fig. 2 elements 204, 206, 208 and 216, 202) corresponding to the plurality of operators (fig. 2 elements 222, 230, 224, 226, and 228) and each compartment having access control (col. 5 lines 1-col. 6 lines 56);

means for assigning the operators to respective compartments (col. 4 lines 47-67); and
common operations software (fig. 2 element 210 and abstract);

whereby each operator accesses the network element via the access control of the compartment (col. 5 lines 1-col. 6 lines 46).

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Edwards et al. fails to explicitly disclose wherein an operator accessing via access control assigned to that operator. However Schimunek discloses a method of slicing the AS/400 with logical partitioning and user operators accessing data based on operators assigned access control in a partitioned system (page 51, 68, 176, and 184).

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Therefore it would have been obvious to one ordinary skill in the art at the time of the invention was made to combine Zalewski et al. within the combination system because they are analogous in a compartmented system. One would have been motivated to incorporate the teachings because it is well known at the time of the invention to provide access rights to multiple processors running in a single operating system to access a shared data.

Regarding claim 8 Edwards et al. discloses a method of controlling access to a network element

in a communications system (fig. 2) wherein said network element is sharable by a plurality of operators (fig. 2 elements 222, 230, 224, 226, and 228, and col. 4 lines 47-60), said method comprising:

providing a compartmented operating system (fig. 2 element 200) having a number of compartments (fig. 2 elements 204, 206, 208 and 216, 202) corresponding to the plurality of operators (fig. 2 elements 222, 230, 224, 226, and 228) and each compartment having access control (col. 5 lines 1-col. 6 lines 56);

assigning the operators to respective compartments (col. 4 lines 47-67); and

providing common operations software (fig. 2 the element 210 and abstract);

whereby each operator accesses the network element via the access control of the compartment (col. 5 lines 1-col. 6 lines 46).

Edwards et al. discloses each operator accessing the network management system of web server via Mandatory Access Control policy decisions (see col. 5 lines 1-col. 6 lines 46).

Edwards et al. fails to explicitly disclose wherein an operator accessing via access control assigned to that operator. However Schimunek discloses a method of slicing the AS/400 with logical partitioning and user operators accessing data based on operators assigned access control in a partitioned system (page 51, 68, 176, and 184).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Schimunek within the system of Edwards et al. because they are analogous in compartmented mode workstation. One would have been motivated to incorporate the teachings of assigning access control to each users operators because it would authenticate each users of each compartments based on assigned access control

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Therefore it would have been obvious to one ordinary skill in the art at the time of the invention was made to combine Zalewski et al. within the combination system because they are analogous in a compartmented system. One would have been motivated to incorporate the teachings because it is well known at the time of the invention to provide access rights to multiple processors running in a single operating system to access a shared data.

Regarding claim 3, Edwards et al. further discloses the network element, wherein administration

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of said compartmented operating system is separated into multiple roles (col. 5 lines 17-43 and fig. 3).

Regarding claim 4, Edwards et al. further discloses the network element, wherein one of said multiple roles is dedicated to creating compartments for respective operators (col. 4 lines 30-67).

Regarding claim 5, Edwards et al. further discloses the network element, wherein one of said multiple roles is dedicated to operator administration in each compartment (col. 4 lines 47-col. 5 lines 23).

Regarding claim 6, Edwards et al. further discloses the network element, wherein said operations software is application software (col. 4 lines 30-60).

Regarding claim 7, Edwards et al. further discloses the network element, wherein said operators are remote from said network element (fig. 2 element 232 and 250).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

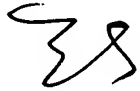
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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July 19, 2007

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

A handwritten signature in black ink, appearing to be 'Nasser Moazzami'.

7,20,07